Certificate of Mailing: Date of Deposit: __April 6, 2001__

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

__Colleen Coyne__   _Colleen Coyne_ (signature)
Printed name of person mailing correspondence   Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Marion Elke Hofmann et al.	Art Unit:	1653
Serial No.:	09/445,362	Examiner:	K. Carlson
Filed:	May 15, 2000	Customer No.:	21559
Title:	MYOCARDIUM-AND SKELETAL MUSCLE-SPECIFIC NUCLEIC ACID, ITS PREPARATION AND USE		

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE AND/OR AMINO ACID SEQUENCES

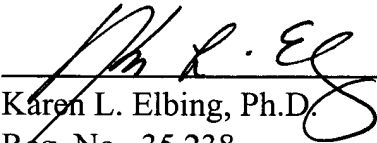In reply to the Notice To Comply mailed February 21, 2001, Applicant submits the

following:

■ A substitute copy of the sequence listing in computer readable form.

■ A statement that the contents of the paper and computer readable copies are the

same and contain no new matter.

Enclosed is a petition to extend the period for replying one month, to and including

April 21, 2001.

If there are any charges, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: _6 April 2001_

Karen L. Elbing, Ph.D.
Reg. No. 35,238

Clark & Elbing LLP
176 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

21559
PATENT-TRADEMARK OFFICE

\\Ntserver\documents\50125\50125.008001 Reply to Notice to Comply.wpd

Application No.: 09/445362

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

[X] 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.

[ ] 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

[ ] 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

[ ] 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

[ ] 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

[ ] 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

[ ] 7. Other: _____

Applicant Must Provide:

[X] An <u>initial</u> or substitute computer readable form (CRF) copy of the "Sequence Listing".

[X] An <u>initial</u> or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

[X] A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE